

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

HARDEE GIRL, INC.,

Plaintiff,

v.

BELLEFIT, INC.,

Defendant.

)
)
)
)
)
)
)
)
)
)

**Civil Action File No.
1:16-CV-2481-SCJ**

**DEFENDANT BELLEFIT, INC.’S RESPONSE TO PLAINTIFF’S
ALTERNATIVE MOTION TO ALLOW LIMITED DISCOVERY
ON THE ISSUE OF GEORGIA CONTACTS AND/OR TO STAY
PENDING RESOLUTION OF S.D. CALIFORNIA MOTIONS.**

Defendant Bellefit, Inc. (“Bellefit”) and responds to *Plaintiff Hardee Girl Inc.’s Alternative Motion to Allow Limited Discovery on the Issue of Georgia Contacts and/or to Stay Pending Resolution of the S.D. California Motions* (Document 14) filed by Hardee Girl, Inc. (“Hardee Girl”) as follows:

Bellefit objects to Hardee Girl’s request for discovery on the issue of Bellefit’s contacts with the State of Georgia. Bellefit’s motion to dismiss argues that the kind of contacts Bellefit has had with the State of Georgia (selling products and sending cease and desist letters) do not support the exercise of personal jurisdiction over Bellefit with respect to the claims at issue in this case. The evidence in the record is that Bellefit is a Florida corporation that operates out of Florida. Its only contacts

with Georgia are sales and sales-related contacts. Hardee Girl has presented no reason to believe that discovery will show otherwise. Discovery into the quantum of Bellefit's sales and sales-related contacts with Georgia will produce evidence that is irrelevant to Bellefit's arguments. Therefore, it will be a waste of the parties' time.

Bellefit does not object to the Court entering a stay pending resolution of the motion to dismiss or transfer filed by Hardee Girl in the California Action, provided that Hardee Girl agrees that it will dismiss this case if the California court does not transfer the case to this Court.

Respectfully submitted this 2nd day of September, 2016.

STANFORD IO LAW GROUP LLC

/s/ Steven W. Hardy

Steven W. Hardy

Georgia Bar No. 325910

3343 Peachtree Road NE, Suite 230

Atlanta, GA 30326

Telephone: 404-991-7300

Facsimile: 404-420-2869

swhardy@siolaw.com

Attorneys for Defendant Bellefit, Inc.

CERTIFICATION OF TYPE FONT AND SIZE

Pursuant to LR 7.1D, the undersigned hereby certifies that the foregoing document was composed in Times New Roman 14 point font.

STANFORD IO LAW GROUP LLC

/s/ Steven W. Hardy

Steven W. Hardy

Georgia Bar No. 325910

3343 Peachtree Road NE, Suite 230

Atlanta, GA 30326

Telephone: 404-991-7300

Facsimile: 404-420-2869

swhardy@siolaw.com

Attorneys for Defendant Bellefit, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

HARDEE GIRL, INC.,

Plaintiff,

v.

BELLEFIT, INC.,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

**Civil Action File No.
1:16-CV-2481-SCJ**

CERTIFICATE OF SERVICE

This is to certify that on this 2nd day of September, 2016, I filed the foregoing DEFENDANT BELLEFIT, INC.'S RESPONSE TO PLAINTIFF'S ALTERNATIVE MOTION TO ALLOW LIMITED DISCOVERY ON THE ISSUE OF GEORGIA CONTACTS AND/OR TO STAY PENDING RESOLUTION OF S.D. CALIFORNIA MOTIONS with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

David F. Guldenschuh
Law Offices of David Guldenschuh
512 East First Street
P.O. Box 3
Rome, Georgia 30162-0003
dfg@guldenschuhlaw.com

Frank A. Mazzeo
Beth Anne Powers
Ryder, Lu, Mazzeo & Konieczny
LLC
808 Bethlehem Pike, Suite 200
Colmar, PA 18915
fmazzeo@ryderlu.com
bpowers@ryderlu.com

/s/ Steven W. Hardy
Steven W. Hardy